

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

GREEN EDGE ENTERPRISES, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:02CV566 TIA
	)	
RUBBER MULCH ETC. LLC, et al.,	)	
	)	
Defendants/Counterclaim Plaintiffs,	)	
	)	
v.	)	
	)	
GREEN EDGE ENTERPRISES, LLC,	)	
INTERNATIONAL MULCH COMPANY,	)	
and MICHAEL MILLER, et al.,	)	
	)	
Counterclaim Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Defendants International Mulch Company and Michael Miller's Bill of Costs. The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

On April 15, 2011, a jury returned its verdict in this patent case on April 15, 2011, finding, among other things, that all 8 claims of the '514 Patent pertaining to rubber mulch were invalid on the bases that the claims were anticipated by any of the prior art and that they would have been obvious to a person of ordinary skill in the field given the prior art references and devices. (Verdict Form, ECF No. 512) On August 9, 2011, the Court issued Judgment in favor of International Mulch Company and Michael Miller and against Green Edge Enterprises, LLC on the verdict invalidating the patent. (ECF No. 556) International Mulch and Michael Miller filed a Bill of Costs as the prevailing party on August 30, 2011, requesting reimbursement of costs related to this case. In

addition, they submitted an Affidavit, along with invoices and receipts pertaining to fees of the court reporter; fees for witnesses; and copying fees. The requested amount equals Eleven Thousand Seven Hundred Eight Dollars and Twenty-six Cents (\$11,708.26). Green Edge Enterprises, LLC has not filed a timely response to the submitted Bill of Costs.

Under Rule 54(d)(1) of the Federal Rules of Civil Procedure, costs shall be allowed as of course to the prevailing party unless the court directs otherwise. In the instant case, the undersigned finds that costs payable to International Mulch Company and Michael Miller are warranted.

Accordingly,

**IT IS HEREBY ORDERED** that Defendants International Mulch Company and Michael Miller's Bill of Costs [Doc. #567] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall tax costs in the amount of Eleven Thousand Seven Hundred Eight Dollars and Twenty-six Cents (\$11,708.26) against Green Edge Enterprises, LLC and payable to International Mulch Company and Michael Miller.

/s/ Terry I. Adelman  
UNITED STATES MAGISTRATE JUDGE

Dated this 7th day of September, 2011.